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MOTOROLA INC 600 NORTH US HIGHWAY 45 LIBERTYVILLE, IL 60048-5343			BROWN, VERNAL U	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 13

Application Number: 09/378,586

Filing Date: August 20, 1999

Appellant(s): MOORE ET AL.

\_\_\_\_\_  
Moore, Morris Anthony, et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed August 26, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party of interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the

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pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1, 3 through 11 and 13 through 17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,091,713	Horne et al.	02-1992
6418416	Rosenberg et al.	07-2002
5525967	Azizi, et al.	06-1996

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-8, 10-11, 13-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. U.S Patent 5091713 in view of Rosenberg et al. U.S Patent 6418416.

Regarding claim 1, Horne et al. teaches a vending machine designed to accomplish a number of specific function including inventory control (col. 3 line 12) but is silent on teaching a vending machine for locating a nearby alternate vending machine having a desired product, the method comprising the step of making available to the first vending machine information from nearby ones of the plurality of vending machines for coordinating product availability and

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vending machine location; determining by the first vending machine that the desired product is no longer available at the first vending machine location, obtaining information from the first vending machine concerning location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches a system with cabinets enclosing secured articles (col. 3 lines 58-60). Each cabinet collects inventory information as articles are removed from or stocked in the cabinet (col. 4 lines 12-13). The cabinet includes an input device such as a touch screen or a keyboard to track articles removed or added to the cabinet (col. 4 lines 17-18). Rosenberg et al. further teaches a web server (140) that allows users to browse cabinet inventory and search for articles (col. 5 lines 41-44) and the browser is installed on the cabinet (col. 4 lines 33-34). Users are allowed to search for any article across multiple enclosures from any location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49).

It would have been obvious to one of ordinary skill in the art to provide information as to the location of a nearby alternate vending machine having a desired product in Horne et al. because Horne et al. suggests a vending machine providing inventory and sales information about merchandise dispensed through the vending machine and Rosenberg et al. teaches a system that allows users to search from each cabinet for the location of an article across a multiple of cabinets which is a similar process of locating an alternate vending machine having a desired product.

Regarding claim 3, Horne et al. teaches a vending machine connected to an inventory control station (col. 5 lines 37-39) and a central computer (110) coupled to a plurality of vending machine (col. 5 lines 40-41) but is silent on teaching a vending machine maintaining a list of

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alternate vending machine and communicate with the alternate vending machine to locate the desired product when the first vending machine has no availability of the desired product.

Rosenberg et al. in an art related Inventory Management System And Method teaches that users are allowed to search for any article across multiple enclosures from any cabinet location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49).

This implies that each of the cabinet has a way of knowing about the existence of alternate cabinet in the network.

It would have been obvious to one of ordinary skill in the art to for the vending machine to maintain a list of alternate vending machine and communicate with the alternate vending machine to locate the desired product when the first vending machine has no availability of the desired product in Horne et al. because Horne et al. suggests a vending machine connected to other vending machine and an inventory control system to track the inventory of a vending machine and Rosenberg et al. teaches that users are allowed to search for any article across multiple enclosures from any cabinet location which implies that each cabinet maintain a form of list showing the alternate cabinet in the network of cabinets.

Regarding claim 4, Horne et al is silent on teaching communication by a transceiver with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches that users are allowed to search for any article across multiple enclosures from any cabinet location (col. 2 lines 34-35). This indicates that the cabinets have a means of communication with each other to obtain inventory information

It would have been obvious to one of ordinary skill in the art to for the vending machine to communicate by a transceiver with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product in Horne et al. because Horne et al. suggests a plurality of vending machine having a modem and is connected to a inventory controller and Rosenberg et al. teaches providing information on the alternate location of a cabinet storing a desired product in order to locate an alternate source of a product when the product is unavailable in a particular enclosure.

Regarding claims 6 and 16, Horne et al. teaches a vending machine communicating with a server (figure 3) and further connecting to an inventory control station (108) but is silent on teaching the server determining an alternate vending machine as the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches the enclosures (110) connected to a server (130). Rosenberg et al. further teaches a method and system that allow users to search for any article across multiple enclosures.

It would have been obvious to one of ordinary skill in the art for the server to determine an alternate vending machine as the nearby alternate vending machine for the desired product in Horne et al. because Horne et al suggests vending machines connected to a sever and an inventory control unit for processing sales information and exercising inventory control function and Rosenberg et al. teaches a method of locating a particular product residing in an alternate enclosure by a user interacting with a browser installed on the controller of the cabinet.

Regarding claim 7, 8, and 17, Horne et al. teaches an inventory control station (108) interconnected by a central computer (110) and is coupled to a plurality of vending machine (col.

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5 lines 37-41). Horne et al further teaches that the inventory control sensor records the transaction and stores the accumulated inventory information for subsequent transmittal to the inventory control (col. 5 lines 59-62). Horne et al. is however silent on teaching determining whether one of the plurality of vending machines is serving as the nearby alternate vending machine for the product and finding the first vending machine another alternate vending machine for the product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches the enclosures (110) connected to a server (130). Rosenberg et al. further teaches a method and system that allow users to search for any article across multiple enclosures (col. 2 lines 19-24).

It would have been obvious to one of ordinary skill in the art to allow a vending machine to serve as the nearby alternate vending machine for the product and finding the first vending machine another alternate vending machine for the product in Horne et al. because Horne et al. suggests an inventory control system processing information concerning the product available in the vending machine and Rosenberg et al. teaches a system in which information on the location of an item stored in an enclosure is obtainable by operating a browser on the control panel of the enclosure. Rosenberg et al therefore provides a means of locating a product in an alternate enclosure.

Regarding claim 10, Horne et al teaches a plurality of vending machine coupled to a central computer (col. 5 lines 39-41). The vending machine communicates to the server the product availability whenever the product availability changes (col. 7 lines 20-24). Horne et al. is however silent on teaching the vending machine requesting from the server the location of the alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory



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Management System And Method invention teaches the user requesting information from the server concerning a desired article and the user is then directed to one ore more enclosures with the desired article (col. 2 lines 19-23).

It would have been obvious to one of ordinary skill in the art for the vending machine to request from the server the location of the alternate vending machine for the desired product in Horne et al. because Horne et al. suggests vending machines coupled to a sever and inventory controller to provide inventory information and Rosenberg et al. teaches locating an enclosure having a desired item by obtaining such information from the browser of the control panel of an enclosure which in turn request information from a server in order to obtain accurate information as to the location of a particular product.

Regarding claim 11, Horne et al. teaches a vending machine having an inventory sensor (94), customer interface (50), transceiver for providing communications (11), processing system coupled to the transceiver (110), the processing system further coupled to the inventory sensor and customer interface (figure 3). The processing system cooperates with the inventory sensor to determine that the desired product availability (col. 7 lines 20-24). Horne et al. is however silent on teaching the making of information available comprising of the location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches a method of finding an alternate cabinet containing a desired article (col. 6 lines 46-50) and conveying the location to a customer in response to a selection of the desired product by the customer through the desire customer interface (col. 4 lines 21-23).

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It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product.

Regarding claim 13, Horne et al. is silent on teaching maintaining a list of alternate vending machines located near the first vending machine and control the transceiver to communicate with at least one of the candidate alternate vending machines to locate the desired product when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches Users are allowed to search for any article across multiple enclosures from any location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49). One skilled in the art recognizes that in order to search across multiple enclosures a list must be maintained to provide information as to what enclosures are available for search.

It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product and one skilled in the art recognizes that in order to search across multiple enclosures a list must be maintained to provide information as to what enclosures are available for search.

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Regarding claim 14, Horne et al. is silent on teaching the processing system program to communicate with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches a method to communicate with at least one candidate alternate enclosure (col. 6 lines 43-45).

It would have been obvious to one of ordinary skill in the art for the processing system program to communicate with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product in Horne et al. because Horne et al suggests a plurality of vending machine connected to a central computer a inventory control system and Rosenberg et al. teaches enclosures in communication with each other information on the location of a desired product in order to identify an alternate location for a particular product.

Claims 5, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. U.S Patent 5091713 in view of Rosenberg et al. U.S Patent 6418416 and further in view of Azizi et al. U.S Patent 5525967.

Regarding claims 5 and 15, Horne et al. is silent on teaching querying one candidate alternate vending machine for its location, calculate a distance from the first vending machine to at least one candidate alternate vending machine and defining at least one candidate alternate vending machine to the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches a method and system

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that allows users to search for an article across multiple enclosures from any location (col. 2 lines 34-35) but is silent on teaching calculating a distance from the first vending machine to at least one candidate vending machine. Azizi et al. in an art related System and Method For Tracking And Locating An Object teaches the method of monitoring the specific location of a person or object by pinpointing both the distance and the direction of the person or object being monitored relative to the monitoring unit (col. 2 lines 16-18).

It would have been obvious to one of ordinary skill in the art to locate an alternate vending machine for its location, calculate a distance from the first vending machine to at least one candidate alternate vending machine and defining at least one candidate alternate vending machine to the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests a vending machine connected to other vending machine and an inventory control system to track the inventory of a vending machine and Rosenberg et al. a method and system that allows users to search for an article across multiple enclosures from any location. Azizi also teaches a method of monitoring the specific location of a person or object by pinpointing both the distance and the direction of the person or object being monitored relative to the monitoring unit in order to supply information to the user concerning the monitored item.

Regarding claim 9, Horne et al. in view of Rosenberg et al. is silent on teaching redefining for the first vending machine, the one of the plurality of vending machines as the nearby alternate vending machine for the desired product when the server has determined the one of the plurality of the vending machines is nearer to the first vending machine. Azizi et al. in an art related System and Method For Tracking And Locating An Object teaches the method of monitoring the specific location of a person or object by pinpointing both the distance and the

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direction of the person or object being monitored relative to the monitoring unit (col. 2 lines 16-18).

It would have been obvious to one of ordinary skill in the art to redefine for the first vending machine, the one of the plurality of vending machines as the nearby alternate vending machine for the desired product when the server has determined the one of the plurality of the vending machines is nearer to the first vending machine in Horne et al. because Horne et al suggests having a plurality of vending machine connected to an inventory control system and Azizi teaches a system for measuring the distance between two objects in order to provide information as to the location of the object.

**(11) *Response to Argument***

Regarding appellant's argument concerning conveying a location of a nearby alternate vending machine for a desired product to a customer in response to the selection of a desired product, Rosenberg et al. teaches a system with cabinets enclosing secured articles (col. 3 lines 58-60). Rosenberg et al. further teaches allowing users to browse the cabinet inventory and search for articles (col. 5 lines 41-44) and the user is provided with the location of the cabinet containing the item searched for by the user (col. 6 lines 48-49). The product selection in Rosenberg et al. is achieved by the user entering the query information in the form of form of partial product name or description (col. 6 lines 46-48). The partial product name or the product description conveys to the cabinet the item(s) the user is interested in obtaining information on. The use of the term "nearby location" is considered a relative term and the examiner further

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consider the location of the cabinet in Rosenberg et al. on the customer site (col. 3 lines 56-58) as being located nearby each other.

Regarding appellant's argument concerning the authorized users are different from the customers, the users of a vending machine are also considered authorized users because the use of a vending machine is restricted to those who can present an acceptable means of payment to the vending machine.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Vernal Brown  
November 5, 2003

BRIAN ZIMMERMAN  
PRIMARY EXAMINER

Handwritten signature of Brian Zimmerman, with the word "Conferre" written below it.

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000

Handwritten signature of Michael Horabik, with the word "Conferre" written above it.